



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/779,789

02/18/2004

Tsuyoshi Nakayama

249031US6

9847

22850

7590

06/30/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DUONG, OANH L

ART UNIT

PAPER NUMBER

2155

NOTIFICATION DATE

DELIVERY MODE

06/30/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/779,789	Applicant(s) NAKAYAMA ET AL.	
	Examiner OANH DUONG	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6, 10-14 are presented for examination.

Claims 7-9 have been canceled.

Claim Objections

2. Claims 3 -5, and 11 are objected to because of the following informalities:

Regarding claim 3, the feature "at least two said first IDs" should be "at least two of said first IDs".

Claim 4 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said first ID" in line 13; "said identified first ID" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the information" in line 9; "said specifying means" in line 14; and "the event" in lines 17 and 23. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The features "transmitting means for transmitting a schedule for starting to write said contents ", and "a storage means for storing received said contents according to said schedule" are not fully supported by Applicant's specification. Examiner respectfully requests applicant to specifically point out where applicant's specification supports the above features. For the purpose of examination, examiner interprets the above features as "transmitting means for transmitting a schedule for distributing said content", and "a storage means for storing said contents".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 3, 5, 10, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2, 5, 10, 11, it is not clear how a plurality of IDs (i.e., first IDs) is managed for identifying a single device (i.e., another device). Examiner assumes that first ID is device ID, and each first ID is used to identify each device. It is not clear what the feature "said identified" in line 15 refers to.

Regarding claim 3, the feature "receiving said first IDs chosen from said at least two first IDs" in lines 11-12 does not have a clear meaning. In addition, it is not clear "a schedule" in line 13 is the same or different from "a schedule" in line 14 of claim 2, and

it is not clear "a second ID" in line 14 of claim 3 is the same or different from "second IDs" in line 4 of claim 2 since both of them are used to identify the same contents.

Claim 3 recites the limitation "said first ID" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 11, "corresponding to said identified" in line 12 does not have a clear meaning. It is not clear that "a schedule" in line 11 is the same or different from "a schedule" in line 21. And two first IDs in line 23 are different or the same with any of first IDs in line 2.

Allowable Subject Matter

7. Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Claims 1, 6, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kokado et al. ("Kokado"), US 2001/0018713 A1.

Regarding claim 1, Kokado teaches an information processing device (*i.e.*, server 6 Fig. 3), comprising:

first managing means for managing first IDs for identifying another device other than said information processing device itself (i.e., unique identifier ID_{user}, page 3 paragraph [0063]);

second managing means for managing second IDs for identifying contents (i.e., identifier ID_{CD}, page 3 paragraph [0067]);

supplying means for supplying at least one of said second IDs managed by said first managing means to said other device making a request for distribution of said contents (*page 5 paragraph [0079]-[0080]: Kokado discloses reservation request which includes identifier ID_{CD} is generated and received by the user interface of the DCE 3 (i.e., other device);*

receiving means for receiving at least one of said first IDs and at least one of said second IDs from said other device (page 5 paragraphs [0078]-[0081]);

generating means for generating a schedule for distributing said contents identified by said at least one of said second IDs to said other device corresponding to said received at least one of said first IDs by said receiving means (page 4 paragraph [0074] and page 7 paragraph [0098]);

transmitting means for transmitting said schedule generated by said generating means to said other device (*i.e., the processing unit generates content reservation status data which includes a time limit (i.e., schedule) and displayed on the side of DTE 1, Figs 11-12, page 4 paragraphs [0074]-[0075];* and

distributing means for distributing said contents to said other device according to a request according to said schedule transmitted by said transmitting means (*i.e.,*

sending out the content data according to the transmission timing according to reservation request, page 16 claim 1).

Regarding claim 6, Kokado teaches an information processing device according to claim 1, further comprising:

determining means for determining whether or not said other device corresponding to said at least one of said first IDs can receive and store said content data transmitted according to said schedule; and updating means for updating said schedule in the event that said determining means has determined that said other device corresponding to said at least one of said first IDs cannot received and store said content data (page 8 paragraphs [0016]-[0019]).

Regarding claim 10, this claim comprising an information processing device that is similar to claim 1, same rationale of rejection is applicable.

Regarding claim 12, Kokado teaches an information processing device according to Claim 1, wherein in the event that the user having said other device has specified a point-in-time for distributing said contents through said other device (page 5 paragraph[0079]), said generating means determines whether transmission of said contents can be performed at the specified point-in-time (page 5 paragraphs [0079] and [0081]), and in the event that a determination has been made that the transmission can

be performed, said generating means generates a schedule for transmission of said contents with the specified transmission point-in-time (page 7 paragraph [0098]).

Regarding claim 13, this claim comprises an information processing method performed by an information processing apparatus, discussed above, same rationale of rejection is applicable.

Regarding claim 14, this claim recites a computer readable storage medium encoded with instruction which when executed by a computer causes a processor to execute a method claim 13, same rationale of rejection is applicable.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokado, in view of Sekiyama et al. ("Sekiyama"), US 2002/0029336 A1.

Regarding claim 2, Kokado teaches an information processing device, comprising:

first managing means for managing first IDs for identifying another device other than said information processing device itself (i.e., unique identifier ID_{user}, page 3 paragraph [0063]);

second managing means for managing second IDs for identifying contents (i.e., identifier ID_{CD}, page 3 paragraph [0067]);

supplying means for supplying at least one of said second IDs managed by said second managing means to a communication device making a request for distribution of said contents (*page 5 paragraph [0079]-[0080]: Kokado discloses reservation request which includes identifier ID_{CD} is generated and received by the user interface of the DCE 3 (i.e., other device);*

receiving means for receiving at least one of second IDs from said communication device (page 5 paragraphs [0078]-[0081]);

generating means for generating a schedule for distributing said contents identified by said at least one of said second IDs to said other device corresponding to said identified at least one of said first IDs in the event that said at least one of said first IDs has been identified by said identifying means (page 4 paragraph [0074] and page 7 paragraph [0098]);

distributing means for distributing said contents to said other device according to said schedule generated by generating means (*i.e., sending out the content data according to the transmission timing according to reservation request, page 16 claim 1).*

Kokado does not explicitly teach user ID managing means for managing a user ID corresponding to at least one of said IDs, and receiving said user ID, and identifying

means for identifying said at least one of said first ID corresponding to said user ID received by said receiving means.

Sekiyama teaches user ID managing means for managing a user ID corresponding to at least one of said IDs (pages 2-3 paragraphs [0031]-[0035]), and receiving said user ID (page 3 paragraphs [0036]-[0039]), and identifying means for identifying said at least one of said first ID corresponding to said user ID received by said receiving means (page 4 paragraph [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Kokado to manage a user ID corresponding to at least one of said IDs, and identify said at least one of said first ID corresponding to said user ID received by said receiving means as taught by Sekiyama. One would be motivated to do so to allow one user ID to be set for one user regardless of the number of the communication terminals used by the user.

Regarding claim 5, this claim comprises an information processing system that is similar to claim 2, same rationale of rejection is applicable.

Response to Arguments

11. Applicant's arguments filed 11/14/2007 have been fully considered but they are not persuasive.

In the remarks, applicant argued in substance that

(A) Kokado fails to teach or suggest transmitting means for transmitting said schedule generated by said generating means to said other device, and distributing said content to said other device according to a request according to said schedule.

As to point (A), Kokado does teach transmitting means for transmitting said schedule generated by said generating means to said other device (*Kokado discloses the processing unit generates content reservation status data which includes a time limit (i.e., schedule) and displayed on the side of DTE 1, Figs 11-12, page 4 paragraphs [0074]-[0075]). It is inherent that a time limit or schedule is transmitted to DTE 1 before it is displayed on the side of DTE1), and distributing said content to said other device according to a request according to said schedule (i.e., sending out the content data according to the transmission timing according to reservation request, page 16 claim 1).*

(B) Kokado does not describe distributing means for distributing said contents to an other device according to a request according to a schedule.

As to point (B), Kokado does teach distributing means for distributing said contents to an other device according to a request according to a schedule (*i.e., sending out the content data according to the transmission timing according to reservation request, page 16 claim 1).*

(C) Kokado does not describe that the schedule is generated by a generating means.

As to point (C), Kokado does teach that the schedule is generated by a generating means (i.e., the processing unit generates condition list which includes the time limit (i.e., schedule), page 4 paragraph [074]).

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OANH DUONG whose telephone number is (571)272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oanh Duong/
Primary Examiner, Art Unit 2155

